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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,888	09/20/2000	Chris Connaughton	INXT 1021-2	6813

22470 7590 03/29/2007 HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019	EXAMINER
	BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/665,888	CONNAUGHTON, CHRIS
	Examiner	Art Unit
	William L. Bashore	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *34-60* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *34-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1)   This action is responsive to communications: response filed 1/12/2007.

2)   The filing date is 9/20/1999.

3)   Claims 34-60 pending. Claims 34, 43, 52 are independent. Please note that the new examiner of record

for this case is William L. Bashore. Please update future correspondence accordingly.

Response To Affidavit under 37 C.F.R. 1.131

4)   The Affidavit filed on 1/12/2007 under 37 CFR 1.131 has been considered but is ineffective to

overcome the effective filing date of the Baisley reference (U.S. Patent No. 6,502,112), for at least the following

reasons.

As an initial matter, proof of actual reduction to practice requires a showing that the apparatus actually

existed and worked for its intended purpose. This proof is demonstrated with satisfactory evidence of facts

supporting priority of invention, said proof usually in the form of exhibits. Examples of support include attached

sketches, blueprints, photographs, reproductions of notebook entries, accompanying models, supporting

statements by witnesses, interference testimony, and/or prior submission to the USPTO of Disclosure

Documents.

Page 1 of Applicant's affidavit purports actual reduction to practice prior to August 27, 1999, and

indicates in paragraph 2 that the claimed invention was publicly available by said date. However, Applicant has

not submitted evidence in support of said alleged public availability.

In addition, page 1, paragraph 3 presents Attachment A, which purports to show source code for

implementing the claimed step of *"parsing, using a computer, ...block level markup tags"*. It is the examiner's

opinion that Applicant has not demonstrated a mapping of all claimed limitations of the instant independent

claims to the presented evidence (in the instant case – source code). It is unclear to the examiner where support

lies in the source code for said limitations. Although paragraph 3 further states that the additional elements of

the claims were also implemented in the source code of the BullsEye product, it is unclear if this pertains to the

source code of Attachment A. If it doesn't, then this statement reflects a mere pleading, unsupported by

evidence.

Pages 1-2, paragraph 4 of the affidavit presents Attachment B, which purports to show a redacted

computer screen shot of the source code archive showing implementation prior to February 18, 1999. Since the

screenshot appears to be a form of manager showing a "history" of the source code file, it is unclear whether the

code in Attachment A was actually part of the labeled file run on February 18, 1999. In addition, said screenshot

does not indicate that file "Final v1.5b Gold Master" ran without error, nor is there any evidence to indicate that

said file actually ran and worked for its intended purpose.

In view of the lack of presented exhibits of support as explained above, it is the examiner's opinion that

the presented affidavit is insufficient proof that Applicant's invention was reduced to practice before August 27,

1999. Accordingly, said affidavit is ineffective to overcome the effective filing date of the Baisley reference at

the present time (see also MPEP 8th Edition, section 715.07).

Claim Rejections - 35 USC § 103

5)   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6)   **Claims 34-36, 38-41, 43-45, 47-50, 52-54 and 56-59 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Baisley (US 6502112, filed Aug 27, 1999), in view of Aoyama et al (US 6098071, filed

Jun 7, 1999).

Regarding claims 34, 43 and 52, Baisley teaches parsing the first and second documents into a first and second plurality of groups of characters delineated by block level markup language tags and executing a routine to match groups in the first plurality of groups with corresponding groups in the second plurality of groups, and to identify differences between said groups in the first plurality of groups and matching groups in the second plurality of groups. For example, Baisley discloses a method for comparing XML documents for identical contents, where a first XML document is parsed to create a graph of it's objects where each object is assigned a unique identification and a second XML document is parsed by a parser to create a graph of its objects where each object is assigned a unique ID. The compare module then compares the documents and provides an output signifying that the documents are equal or unequal (see col 4, lines 46-63). The two documents are compared to see fit hey are semantically identical, that is, there is a one to one correspondence between the objects in the two documents (col 5, lines 10-17).

Baisley does not teach, but Aoyama teaches composing a difference document comprising a third plurality of groups that include identified differences, and including elements that identify the differences; and rendering an image of the difference document using a computer while preserving visual formatting of one of the first and second documents, with visual features denoting the identified differences. For example, Aoyama discloses a method for structured document difference string extraction, where after storing the difference data of comparing structured documents, the difference data is output in SGML form and displayed using an editor or viewer, such as a window displaying the difference data in structured form and defining the altered part by a solid line or otherwise discriminating the altered part by altering the   color or type of the mark representing the structure by a solid line. These discriminated displays may be highlighted (col 14, lines 5-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baisley to include outputting difference data in a structured form, such as an SGML document and discriminating the display by altering the color or type of the mark as taught by Aoyama, providing the benefit of extracting the difference between structured documents by taking the logical meaning and structure of the structured documents into consideration (Aoyama, Abstract section).

Regarding claims 35, 44 and 53, Baisley suggests wherein said routine identifies new groups in the second plurality of groups, said difference document includes said new groups, and said image includes features denoting said new groups. The examiner characterizes this limitation of 'new groups' as a state where the line has no match in the other document being compared to (as described in specification, page 1, lines 7-15). For example, Baisley discloses a compare module that compares two XML documents where the module provides a result signifying that the documents are unequal (col 4, lines 46-63). The Examiner believes this is equivalent to the claimed limitation because if the documents are unequal, that means that they have objects that the other document does not have, and hence are new.

Regarding claims 36, 45 and 54, Baisley suggests normalizing the first and second documents by removing characters ignored during rendering and characters that define format information not relevant to said matching. For example, Baisley discloses standardizing all XML documents to a common standard semantic graph based format that the comparison algorithm is capable of processing for comparing a semantic graph encoded in documents rather than comparing textual content and comparing documents that ignores differences in internal differences (col 3, lines 5-20).

Regarding claims 38, 47 and 56, Baisley teaches an HTML standard markup language (col 1, line 25).

Regarding claims 39, 48 and 57, Baisley suggests normalizing both documents, by detecting a pre-formatting start tag and skipping the pre-formatted text contained between the start tag and a pre-formatting end tag. For example, Baisley discloses standardizing all XML documents to a common standard semantic graph based format that the comparison algorithm is capable of processing for comparing a semantic graph encoded in documents rather than comparing textual content and comparing documents that ignores differences in internal

differences (col 3, lines 5-20) where the document contains preformatted star and end tags that are not skipped and not compared (see tables II and II, col 5, lines 30-67).

Regarding claims 40, 49 and 58, Baisley teaches normalizing the first and second documents, by removing header tags from the documents. For example, Baisley discloses comparing documents that ignores differences in internal identifiers (e.g., xmi.id values)(col 3, lines 15-20). Table I in col 5 shows a document including header tags, where these tags will be ignored in order to standardize the XML documents to a common standard format that the comparison module is capable of comparing, where the comparison is of the semantics of the document rather than the textual content of the documents (col 3, lines 5-15). The fact that Baisley discloses removing everything else other than the semantic objects indicates that headers are also removed from the documents because headers are not semantics.

Regarding claims 41, 50 and 59, Baisley teaches normalizing the first and second documents, by removing script references from the documents. For example, Baisley discloses comparing documents that ignores differences in internal identifiers (e.g., xmi.id values)(col 3, lines 15-20). Table I in col 5 shows a document including metadata tags, where these tags will be ignored in order to standardize the XML documents to a common standard format that the comparison module is capable of comparing, where the comparison is of the semantics of the document rather than the textual content of the documents (col 3, lines 5-15). The fact that Baisley discloses removing everything else other than the semantic objects indicates that script references are also removed from the documents because scripts are not semantics.

7)   **Claims 37, 42, 46, 51, 55 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baisley (as cited above) and Aoyama (as cited above), further in view of Blumer et al (US 5890171, issued Mar 30, 1999).**

Regarding claims 37, 46 and 55, Baisley in view of Aoyama does not expressly teach, but Blumer suggests executing a routine using a computer, prior to said matching to identify differences, to remove characters that comprise intra-document links in the markup-language, and to convert relative URLs to absolute URLs. For example, Blumer discloses converting relative URL to an absolute URL, using the effective base URL of the document (col 11, lines 35-45). The examiner interprets Blumer's teachings as equivalent to the claimed invention because the examiner characterizes the claimed intra-documents links as regular links for the purpose of matching to identify differences in documents, and the removal of links in the claimed invention is to allow for processing of a base document, which is suggested by the base element of documents processing in Blumer, coupled with Baisley's disclosure of comparing only semantic portions of documents rather than comparing textual content (Baisley, col 3, lines 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baisley in view of Aoyama to include converting relative URLs to absolute URLs, as taught by Blumer, providing the benefit of an improved system for interpreting hypertext links in a document when including the document within another document (Blumer, Title).

Regarding claims 42, 51 and 60, Baisley in view of Aoyama does not expressly teach, but Blumer teaches normalizing the first and second documents, by removing intra-document links from the documents. For example, Blumer discloses converting relative URL to an absolute URL, using the effective base URL of the document (col 11, lines 35-45). The examiner interprets Blumer's teachings as equivalent to the claimed invention because the examiner characterizes the claimed intra-documents links as regular links for the purpose of matching to identify differences in documents, and the removal of links in the claimed invention is to allow for processing of a base document, which is suggested by the base element of documents processing in Blumer. Additionally, Baisley discloses comparing documents that ignores differences in internal identifiers (e.g., xmi.id values)(col 3, lines 15-20). Table I in col 5 shows a document including metadata tags, where these tags will be ignored in order to standardize the XML documents to a common standard format that the comparison module is

capable of comparing, where the comparison is of the semantics of the document rather than the textual content of the documents (col 3, lines 5-15). The fact that Baisley discloses removing everything else other than the semantic objects indicates that script references are also removed from the documents because scripts are not semantics.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baisley in view of Aoyama to include removing links in order to achieve a base document for comparison by converting relative URLs to absolute URLs, as taught by Blumer, providing the benefit of an improved system for interpreting hypertext links in a document when including the document within another document (Blumer, Title).

Response to Arguments

8)   Applicant's arguments filed 1/12/2007 have been fully and carefully considered but they are not persuasive. Applicant's arguments substantially rely upon submitted Affidavit under 37 C.F.R. 1.131, the response to this submission has been addressed above.

Conclusion

9)   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10)   Any inquiry concerning this communication or earlier communications from the examiner should be

directed to William Bashore whose telephone number is (571) 272-4088. The examiner can normally be

reached on 9:00 am - 5:30pm EST.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather

Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application

or proceeding is assigned is 571-273-8300.

11)   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WILLIAM BASHORE
PRIMARY EXAMINER

March 27, 2007